

**ORDINANCE NO. 841**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, PROVIDING FOR THE ACQUISITION OF CERTAIN REAL PROPERTY AND REAL PROPERTY INTERESTS FOR THE PURPOSE OF CONSTRUCTING THE PROJECT COMMONLY KNOWN AS THE GIG HARBOR PUMP STATION NO. 3, TOGETHER WITH ALL NECESSARY AND RELATED WORK TO MAKE A COMPLETE IMPROVEMENT IN ACCORDANCE WITH APPLICABLE CITY STANDARDS, PROVIDING FOR THE CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND OR OTHER PROPERTY NECESSARY THEREFORE, AND DIRECTING THE CITY ATTORNEY TO PROSECUTE THE APPROPRIATE ACTION AND PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.**

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WHEREAS, Pump Station No. 3 is the final pump station prior to discharge of raw sewage in the City=s wastewater treatment plant; and

WHEREAS, the National Pollutant Discharge Elimination System (NPDES) permit issued in 1997 for the City=s expanded wastewater treatment plant requires that Pump Station No. 3 be upgraded to accommodate the 1.0 mgd peak flow; and

WHEREAS, the current pump station No. 3 has numerous deficiencies, including aging equipment and controls; and

WHEREAS, in 1995, the City had to abandon plans for expanding the existing pump station and connecting a pair of larger diameter pressure pipes from the existing station to the Wastewater Treatment Plant due to the discovery of contaminated soil from a leaking underground fuel storage tank from the adjacent gas station in the immediate vicinity of the pump station. Because of the

unknown limits of contamination in the vicinity of the existing pump station an alternate location for the new pump station was selected.

WHEREAS, based upon the above deficiencies and the requirements of the NPDES permit, the City has determined that a new pump station must be constructed in a different location; and

WHEREAS, the City Engineering Staff determined that the small overflow parking lot for the Union 76 station on the south side of Harborview Drive is the best location for the new pump station (as shown on Exhibit B, attached hereto and incorporated herein by this reference) because it is in the vicinity of an existing pump station and unused twin pressure lines at that pump station, it is separated from the heavily used pedestrian sidewalk on the north side of Harborview Drive; it provides better screening due to the adjoining vegetated hillside; it will have a low impact on the existing land use because the majority of the facility will be constructed underground, and it will not intrude into the view of Gig Harbor from Harborview and the adjacent sidewalk, and

WHEREAS, the City Engineering Staff determined that the area required for the new pump station is 2,631 square feet, which will include an approximate 18 foot diameter underground pump vault and a 12 foot by 16 foot underground valve vault, above ground will be an architectural concrete block well house which will house the odor controls and the pump controls for the station. The site will also include a small area for a biofilter that is essentially a bed of composite and bark that aids in the odor control process. The total facility will utilize the entire area as shown on Exhibit B; and

WHEREAS, the City Engineering Staff recommends that the City Council condemn an

easement or fee title to a portion of the 9.4 acre parcel located at approximately 3998 Harborview Drive, which is currently a gravel lot; and

WHEREAS, the City Engineering Staff have attempted to negotiate purchase of all necessary property and/or property rights for Pump Station No. 3 in the portion of the property shown on Exhibit B and legally described in Exhibit A; and

WHEREAS, the City Engineering Staff=s research on the ownership of the property has disclosed uncertainty regarding the ownership of the property, which cannot easily be determined without a judicial proceeding designed to allow for the payment to all persons who can demonstrate to the Court that they have a compensable interest in the property; and

WHEREAS, in view of these difficulties, the City Council has determined to condemn the property and/or property rights necessary for completion of the Pump Station No. 3 Project; and

WHEREAS, Council has considered the condemnation during a public hearing held on Monday, April 10<sup>th</sup>, 2000; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,  
ORDAINS AS FOLLOWS:

Section 1. Declaration of Public Use. The City Council hereby finds that the construction of Pump Station No. 3, which is a necessary appurtenance to the City=s Waste Water Treatment Plan, and contemplated by the City=s NPDES permit for the Waste Water Treatment Plant, is a Public Use.

Section 2. Declaration that Public Interest Requires the Property. The public health, safety, necessity and convenience demand that the Pump Station No. 3 Project, including acquisition of property and/or property interests, legally described in Exhibit A, attached hereto and by this reference incorporated herein, be condemned, appropriated, taken and damaged for the construction of said Project and improvements.

Section 3. Declaration of Necessity. The City Council of the City of Gig Harbor, after hearing the report of the City Staff, and reviewing the plan for construction of the Pump Station No. 3 Project, hereby declares that all of the property described in Exhibit A, and as depicted in Exhibit B, is necessary for public use and the construction of the Pump Station No. 3 Project, to accomplish the public purpose.

Section 4. Authority of the City Attorney. The City Attorney is hereby authorized and directed to begin and prosecute the condemnation proceedings provided by law to condemn, take and appropriate the Property necessary to carry out the provisions of this ordinance, and to pay just compensation to the property owners as provided in chapter 8.12 RCW.

Section 5. Compensation to be Paid out of General Fund. The just compensation to be paid by the City to the property owners in this condemnation shall be taken from the City=s General Fund.

Section 6. Effective date. This ordinance, being the exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect and be in full force five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

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MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

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CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY 

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CAROL A. MORRIS

FILED WITH THE CITY CLERK: 3/27/00  
PASSED BY THE CITY COUNCIL: 4/10/00  
PUBLISHED: 4/11/00  
EFFECTIVE DATE: 4/17/00  
ORDINANCE NO. 841

## **SUMMARY OF ORDINANCE NO. 841**

of the City of Gig Harbor, Washington

On the 10<sup>th</sup> day of April 2000, the City Council of the City of Gig Harbor, Washington, passed Ordinance No. 841. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, PROVIDING FOR THE ACQUISITION OF CERTAIN REAL PROPERTY AND REAL PROPERTY INTERESTS FOR THE PURPOSE OF CONSTRUCTING THE PROJECT COMMONLY KNOWN AS THE GIG HARBOR PUMP STATION NO. 3, TOGETHER WITH ALL NECESSARY AND RELATED WORK TO MAKE A COMPLETE IMPROVEMENT IN ACCORDANCE WITH APPLICABLE CITY STANDARDS, PROVIDING FOR THE CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND OR OTHER PROPERTY THEREFORE, AND DIRECTING THE CITY ATTORNEY TO PROSECUTE THE APPROPRIATE ACTIONS AND PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SUCH CONDEMNATION.

The full text of this Ordinance will be mailed upon request.

DATED this 11<sup>th</sup> day of April, 2000.

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CITY CLERK, MOLLY TOWSLEE